

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARTIN J. WALSH, Secretary of Labor,)	
United States Department of Labor,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 1:22-cv-919
)	
PROTECTION PLUS, INC., and RAYMOND)	
STANLEY, an individual,)	
)	
Defendants.)	

CONSENT ORDER AND JUDGMENT

Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor, has filed a complaint under the Fair Labor Standards Act of 1938 as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), and Defendants PROTECTION PLUS, INC. and RAYMOND STANLEY, individually, (collectively “Defendants”) have appeared by counsel, and waive formal service of process of the Summons and Complaint, waive their Answer and any defenses which they may have, and agree to the entry of this Consent Order and Judgment without contest.

Defendants admit and the Court finds Defendants are engaged in related activities performed through unified operation or common control for a common business purpose and are an “enterprise” under 29 U.S.C. § 203(r) of the FLSA.

Defendants admit and the Court finds Defendants are an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(1)(A) of the FLSA.

Defendants admit and the Court finds Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

Upon motion of attorneys for the Secretary and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 7, 11(c), 15(a)(2), 15(a)(3), and 15(a)(5) of the FLSA, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees including, but not limited to, any of their employees working at PROTECTION PLUS, INC., or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, in any workweek when they are engaged in commerce or employed in an enterprise engaged in commerce, within the meaning of the FLSA, for workweeks longer than forty hours, unless said employees receive compensation for their employment in excess of forty hours at a rate equivalent to one and one-half times the regular rate at which they are employed.

2. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working at PROTECTION PLUS, INC., or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R.

Part 516. Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

3. Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their employees because the employee engages in any of the following activities:

a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;

b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Secretary and against Defendants in the total amount of \$370,459.48, as set forth in Exhibit A.

4. The Secretary shall recover from Defendants the sum of \$185,229.74 in unpaid overtime compensation covering the period from May 13, 2018, through January 7, 2021, and the additional sum of \$185,229.74 in liquidated damages for Defendants' current and former employees whose names are listed in the attached Exhibit A.

a. At the time of Defendants' execution of this Consent Order and Judgment, Defendants shall pay the amount of \$370,459.48 by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or www.pay.gov and searching "WHD Back Wage Payment – Midwest Region".

b. Defendants shall also furnish to the Secretary the social security number and last-known address for each employee named in Exhibit A.

c. The Secretary shall distribute the above payments, less appropriate deductions for federal income withholding taxes and the employee's share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the FLSA. Defendants remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by the Secretary.

d. Neither Defendants nor anyone on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid under this Consent Order and Judgment. Any such amount shall be immediately paid to the Secretary for deposit as above, and Defendants shall have no further obligations with respect to such returned monies.

e. Any monies not disbursed by the Department of Labor after three years from the date of payment by Employers, because of the inability to locate the proper persons or because of their refusal to accept payment, shall be deposited into the Treasury of the United States as miscellaneous receipts, pursuant to section 16(c) of the FLSA.

f. The provisions of this Consent Order and Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions

in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period.

5. By entering into this Consent Order and Judgment, Plaintiff does not waive his right to conduct future investigations of Defendants under the provisions of the FLSA and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(e)(2) of the Act, in favor of the Plaintiff and against the Defendants in the total amount of \$69,540.52, which represents civil money penalties.

6. Defendants shall pay the civil money penalties in the amount of \$69,540.52 by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or www.pay.gov and searching “WHD Back Wage Payment – Midwest Region”.

FURTHER, it is agreed by the parties herein and hereby ORDERED that each party shall bear their own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding, but not limited to, attorney fees which may be available under the Equal Access to Justice Act, as amended.

Entry of this judgment
is hereby consented to:

PROTECTION PLUS, INC.

By s/ Raymond Stanley
Its Secretary

RAYMOND STANLEY

s/ Raymond Stanley
RAYMOND STANLEY, individually

s/ Edward Harney
EDWARD HARNEY
Hume Smith Geddes Green & Simmons
54 Monument Circle, Floor 4
Indianapolis, Indiana 46204
Phone: (317) 632-4402
eharney@humesmith.com

Attorney for Defendants

APPROVED this date

Date: 6/7/2022

Distribution via ECF

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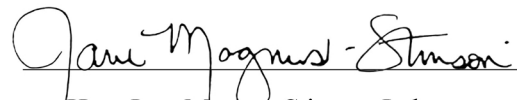

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Exhibit A

Allen, Joseph	Christy, Ed
Allen, Ronald	Clark, Kaylee
Allison, Larry	Collins, Lindsey
Allman, Shauna	Conjelko, Kevin
Anderson, Chris	Conner, Michael
Ash, Reginald	Cottongim, Frank
Attikisson Jr., Lynn	Cox, Robert
Attlisson, Lynn Allen	Crowell, Jerome
Bailey, David	Davis, Renitta
Bailey, Lisa J	Denney, Ariel
Baker, Karna	DiSalvo, Zachary
Baker, Paul	Dodson, Atalya
Ballard, William M	Douglas, Mason
Beard, Caitlyn	Douglas, Raymond
Beaty, Roger	Duncan, Kenneth
Bennett, Bruce	Duncan, Tamika
Bennett, Stacey	Dunham, Cathy
Benson, Robert	Dunham, Floyd
Bentancourt, Jacob	Erwin, Samuel
Berry, Aaron	Evans, Cassie
Berry, Christopher	Flanagan, Jimmy
Bevans, Eric	Fletcher, Theresa
Biddle, Anthony	Ford, Anthony
Blake, Johnny	Gabriel, Dacelin
Blanton, Alexis	Gates, Raymond
Bradshaw, James	Gazvoda, Larry
Bridgeman, Michael	Gibbs, Aaron
Brinkman, Jeremy	Goldsberry, Catherine
Britton, Leonard	Golland, Deanna
Brown, Zachary	Gonzalez, Sergio
Brownlee, Mikayla	Goode, Tracy E
Bucci, Deborah L	Goodman, Chris
Burcham, Kenneth	Grant-Thomas, Carrie
Burden, Alexander	Graves, Kelly
Burks White, Ty'waun	Gray, Deasia
Burnett, Damon	Grayson, Tiffany
Burnett, Davon	Gregory, Collins A
Burris, Edward	Grimes, Marvin
Burton, James	Hall, Matthew
Butcher, William	Hardesty, Jake
Carman, Melissa	Hargrave, Luke
Chase, Donna	Harvey, Jordan C

Heath, Philip
Heiney, Shannon
Hill, Dwond
Holmes, Shawn
House, Angel
House, Henry
Howard, Michael
Huffman, John
Hutchings, Phyllis
Hutchins, Earl
Ingles II, William
Johnson, Japhia H
Johnson, Jeremiah
Jones, Elvis
Keene, Kelvin
Kendall, Roger
King, Craig
King, Stephen
Knotts, Larry
Knue, James
Knue III, James
Kutruff, Victoria
Lain, Bawi Za
Lamon, Nora
LaPlante, Reginald B
Lewis, Cheyanna
Lewis, Debbie
Lewis, Ernest
Lightcap, Daniel
Line, Jeffrey
Livingston, Matthew
Lynn, Shaelie
Maciel, Andrew
Mack, Brian
Mansaree, Bakary
Martin, Jason
Mcbee, Nathan
Mcclain, Michael
McDaniel, Aaron
McDaniel, Melissa
McDaniel, Steve
McPeek, Quinten
McQuinn, Cristina
Meade, Ronald
Medsker, James
Meola, Ralph

Mikels, Norman
Miranda, Jose A
Montgomery, Linda
Moore, Terry R
Morgan, Robert
Mosinski, George
Mosley, Michael
Mulkey, Glen H
Ndiaye, Malick
Neely, Sonya
Newson, Robert
Northcutt, Ron E
Oden, Brian
Parker, Ronetta
Patton, Kristal
Pea, Michael
Petro, Jerry
Pettigrew, William
Phillips, Deon
Pitcock, Hunter
Price Jr., Gregory
Province, Franklin
Puente, Quenton
Puente, Steve
Pullins, Fred
Quakenbush, Greg
Ray, Devaan
Reeves, Gerald
Richardson, Jackie
Richardson, Norine
Richardson, Richard
Riley, Gregory
Robinson, Anna
Rodriguez, Edward
Rogers, Antwann
Rosales, Martin
Santiago, Vincent
Saylor, Frank
Scurlock, Chardae
Serf, Andrea
Shannon, Toni
Shoulders, Zaavier
Shriner, Christina
Simpson, Robert
Smilko, Robbie
Smith, Dana

Smith, Tyrae
Smock, Misty
Smock, Ronald
Sprong, Jonathon
Stephens, Michael
Stephens, Shannon
Stigall, Jeff A
Sullivan, Melissa
Telfair, Darrell
Terhune, Robert
Terrell, Liebe L
Thomas, Robert
Thomas, William
Till, Tyler
Toliver, Tiaan
Treece, Matthew
Tuchek, Jacob
Turner, Shurea
Vaughn, Stephen L
Vest, David

Ward, Jordan
Warren, Craig
Webb, Cody
Webb, Paul
Wilbers, John
Wilder, Markee
Williams, Andre
Williams, Desmond
Williams, Donte
Williams, Marie S
Williams, Mario S
Williams, Marshall
Willoughby, Jasmine
Willoughby, Lela
Wilson, Demyshia M
Wray, Quanita
Wright, Audra
Wright, Khryishna
Young, Bobby